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MAY 22 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SUKHVINDER SINGH,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74915

Agency No. A95-570-358

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted May 15, 2006^{**}

Before: B. FLETCHER, TROTT, and CALLAHAN, Circuit Judges.

Sukhvinder Singh, a native and citizen of India, petitions for review of the decision of the Board of Immigration Appeals adopting and affirming an immigration judge's decision denying his applications for asylum, withholding of

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

removal, and protection under the Convention Against Torture. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence, *Manimbao v. Ashcroft*, 329 F.3d 655, 658 (9th Cir. 2003), and we grant the petition for review.

The inconsistencies in Singh's testimony were minor and insufficient grounds for an adverse credibility finding. *See id.* at 660. Singh's testimony regarding the contents of the pamphlets he distributed and the goals of the party he supported were sufficiently detailed. *See Akinmade v. INS*, 196 F.3d 951, 957 (9th Cir. 1999). Substantial evidence does not support the adverse credibility determination.

Taking Singh's testimony as true, he established past persecution and is entitled to a presumption that he has a well-founded fear of future persecution. *See Popova v. INS*, 273 F.3d 1251, 1259 (9th Cir. 2001).

We grant the petition for review and remand, pursuant to *INS v. Ventura*, 537 U.S. 12 (2002) (per curiam), so that the agency may determine whether the government can rebut the presumption, and for other proceedings consistent with this memorandum disposition.

PETITION FOR REVIEW GRANTED; REMANDED.